

BOARD OF PUBLIC WORKS

July 13, 2005

A regular meeting of the Board of Public Works of the Consolidated City of Indianapolis, Marion County, Indiana, was held the 13th day of July 2005, in the Public Assembly Room in the City County Building. Chair James Garrard called the meeting to order at 1:00 p.m.

Board members in attendance were:	James Garrard	Alfred Finnell	Sue Schalk
	Kip Tew	Roger Brown	Gregory Taylor

Absent	Lisa Hayes
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Staff in attendance were:	Larry Jones	Matt Senseny	Evelyn Thompson
	Jeff Sirmin	John Burkhardt	Pegg Warnick
	George Krack	Denny Lenahan	Ann Marie Smrcek
	Jim Crute	Nathan Sheets	Sherry Longerich-Owens
	Carlton Ray	Maurice Geisendorff	

ITEM # 1 – APPROVAL OF MINUTES

Upon a motion by Mr. Tew, seconded by Mr. Finnell, the Board voted 6-0 to approve and accept the Board Minutes from May 25, 2005.

ITEM # 2 – RESOLUTIONS

- a. Resolution No. 54, 2005; A Resolution Honoring Tony Buford

Staff recommended that the Board of Public Works approve and adopt Resolution No. 54, 2005, honoring Tony Buford for his service to the Department of Public Works. Mr. Buford has served on the Board of Public Works since August 5, 1991, and provided countless hours of volunteer service and expertise to the Board during the past fourteen years. Upon a motion by Mr. Tew, seconded by Mr. Taylor, the Board voted 6-0 to table this item.

- b. Resolution No. 45, 2005; Petition for Encroachment of the right of way of Steele Ditch Regulated Drain

Staff recommended that the Board of Public Works approve and adopt Resolution No. 45, 2005, granting an encroachment in the right of way of Steele Regulated Drain. The proposed construction would allow the subdivision to install drainage facilities, tapers for the Congaree Drive entrance and a 8'wide asphalt walking path. The proposed encroachment will include approximately 650' of asphalt path, 80' of 30" RCP storm pipe and 85' of 18" RCP storm pipe including end sections and rip rap for erosion control. Upon a motion by Mr. Tew, seconded by Mr. Finnell, the Board voted 6-0 to approve and adopt Board Resolution No. 45, 2005.

ITEM # 3 – COMPLETION AND COMPLIANCE AFFIDAVITS FOR THE RESIDENTIAL DEVELOPMENT

- a. Completion and Compliance Affidavit for the Residential Development for Lawrence Lakes Section Three Sub-Division

Staff recommended that the Board of Public Works accept the reports and documents for street construction, Lawrence Lakes Section Three Sub-Division, into the City of Indianapolis' inventory of maintenance responsibility. The contractor or developers' three-year maintenance bond (s) covering the phases of street construction has been with the Department of Metropolitan Development. Upon a motion by Mr. Brown, seconded by Mr. Tew, the Board voted 6-0 to accept the Completion and Compliance Affidavit for the Residential Development of the Lawrence Lakes Section Three Sub-Division.

- b. Completion and Compliance Affidavit for the Residential Development for Bradford Trace Section 1,2,3 and 4 Sub-Division

Staff recommended that the Board of Public Works accept the reports and documents for street construction, Bradford Trace Section 1,2,3 and 4 Sub-Division, into the City of Indianapolis' inventory of maintenance responsibility. The contractor or developers' three-year maintenance bond (s) covering the phases of street construction has been with the Department of Metropolitan Development. Upon a motion by Mr. Tew, seconded by Ms. Schalk, the Board voted 6-0 to accept the Completion and Compliance Affidavit for the Residential Development of the Bradford Trace Section 1,2,3 and 4 Sub-Division.

ITEM # 4 – BID AWARDS

- a. High Performance Cold Patch Mixture 1 & 2
\$244,000.00 – Rieth-Riley Construction

Staff recommended that the Board of Public Works approve and authorize the Director to execute a contract for the purchase of High Performance Cold Patching Mixtures 1 & 2 with Reith-Riley, the lowest responsive and responsible bidder for a one year term at the per unit price of \$61.00/ton. The total estimated expenditure is \$244,000.00. This contract is a high performance pothole patching mixture used for street and road repairs in accordance with INDOT standard. Upon a motion by Ms. Schalk, seconded by Mr. Finnell, the Board voted 6-0 to approve the High Performance Cold Patch Mixture 1 & 2.

- b. RS-05-008; Resurfacing with Related Items in Warren Township
\$775,677.00 – Milestone Contractors, L. P

Staff recommended that the Board of Public Works award Project No. RS-05-008, Resurfacing with Related Items in Warren Township to Milestone Contractors L.P. in the not to exceed amount of \$775,677.00 on the basis that it is the lowest responsive and responsible bidder. The engineer's estimate for construction of this project is \$796,862.00 and the percentage between the low bid and the engineer's estimate is -10%. This project consists of the resurfacing of eight streets. Mr. Taylor

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asked if the Department of Equal Opportunity (DEO) was satisfied with the MBE/WBE participation.

Mr. Crute replied yes. Mr. Tew asked about the ownership of Stone and Rhodes Trucking. Mr. Taylor replied that Stone Trucking was owned by the father and Rhodes Trucking was owned by the daughter. Upon a motion by Mr. Taylor, seconded by Mr. Tew, the Board voted 6-0 to approve the Resurfacing with Related Items in Warren Township.

ITEM # 5 – CHANGE ORDERS

- a. RS-04-043, #2; Resurfacing with Related Items in Warren Township
\$(12,490.60) – CC&T Construction

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 2 for CC& T Construction Co, Inc., in the decreased amount of \$(12,490.60) for a new contract total of \$642,704.88 and an increase of 183 calendar days for Project No. RS-04-043, Resurfacing with Related Items in Warren Township. This change order will add Franklin Road from Washington Street to New York Street to this project. Upon a motion by Mr. Brown, seconded by Mr. Tew, the Board voted 6-0 to approve the Resurfacing with Related Items in Warren Township with CC&T Construction.

- b. RS-04-045, #3; Resurfacing with Related Items in Center Township
\$(2,642.36) – CC&T Construction

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 3 for CC& T Construction Co, Inc., in the decreased amount of \$(2,642.36) for a new contract total of \$862,500.82 and an increase of 152 calendar days for Project No. RS-04-045, Resurfacing with Related Items in Center Township. This change order will add Yandes from 16th and 19th Streets to this project. Upon a motion by Mr. Tew, seconded by Mr. Finnell, the Board voted 6-0 to approve the Resurfacing with Related Items in Center Township.

- c. LS-13-045, #1; Elimination of SSO 105 & 124 – LS 402 Improvements
\$7,000.00 – Bowen Engineering

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 1 for Bowen Engineering Corporation in the increased amount of \$7,000.00 for a new lump sum contract total of \$784,000.00 and an increase of 3 calendar days for project No. LS-13-045, Elimination of SSO 105 & 124 Lift Station #402 Improvement. This change order is for the removal and replacement of existing lift station discharge flanged piping. Upon a motion by Mr. Finnell, seconded by Ms. Schalk, the Board voted 6-0 to approve the Elimination of SSO 105 & 124 – LS 402 Improvements.

ITEM # 6 – FINAL CHANGE ORDERS AND ACCEPTANCES

- a. CS-24-105, 3/FINAL; East Bank White River CSO, Storage and Primary Treatment
\$14,813.686 – Thieneman Construction, Inc

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 3 (FINAL) for Theineman Construction, Inc., in the increased amount of

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\$14,813.86 for a new contract total of \$5,070,482.04 and an increase of 100 calendar days for Project No. CS-24-105, East Bank White River CSO Storage and Primary Treatment, and furthermore to accept this project as final. The change order provides installation to a telecommunication system, replacement of ultrasonic sensor cables, relocation of high and low water floats for the drainage pumps and establishes final acceptance into the Department of Public Works Maintenance Program. Upon a motion by Ms. Schalk, seconded by Mr. Brown, the Board voted 6-0 to approve the East Bank White River CSO, Storage and Primary Treatment.

- b. LD-00-003, 2/FINAL; Levee Maintenance Inspection and Repair
\$(1,500.00) – Bowen Engineering

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order 2 (FINAL) for Bowen Engineering in the decreased amount of \$(1,500.00) for a new contract total of \$327,826.00 and an increase of 35 calendar days for Project No. LD-00-003, Levee Maintenance Inspection and Repair, and furthermore to accept this project as final. This change order is to reduce the amount of work at structures and add 35 calendar days because of inclement weather. Upon a motion by Mr. Tew, seconded by Mr. Brown, the Board voted 6-0 to approve the Levee Maintenance Inspection and Repair.

- c. TS-24-007, 1/FINAL; Blackford Street & Indiana Avenue New Traffic Signal
\$7,221.50 – Morphey Construction, Inc

Staff recommended that the Board of Public Works approve and authorize the Director to execute Change Order No. 1 (FINAL) for Morphey Construction in the increase amount of \$7,221.50 for a new contract total of \$86,782.50 and no increase of calendar days for Project No. TS-24-007, Blackford Street and Indiana Avenue New Traffic Signal, and furthermore to accept this project as final. This change order consists of traffic control signage, cable, hardware to reach metered service and additional sidewalk to meet City ADA requirements. Upon a motion by Mr. Taylor, seconded by Ms. Schalk, the Board voted 6-0 to approve the Blackford Street & Indiana Avenue New Traffic Signal.

ITEM # 7 – PROFESSIONAL SERVICE AGREEMENTS

- a. ONS Tank Inspections at Belmont and Southport AWT Plants
\$98,300.00 – Congdon Engineering Associates, Inc

Staff recommended that the Board of Public Works approve and authorize the Director to execute an agreement with Congdon Engineering Associates for the inspection of the ONS tank at the Belmont and Southport AWT plants, for a lump sum fee of \$98,300.00. The purpose of this contract is to provide the inspection for the oxygen nitrification system ONS, clarifier wall ties, interior ONS tank surfaces and exterior ONS roof deck at both the Belmont and Southport advanced wastewater treatment AWT plants. Upon a motion by Mr. Brown, seconded by Mr. Finnell, the Board voted 6-0 to approve the ONS Tank Inspections at the Belmont and Southport AWT Plants.

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- b. ENG-05-007; As-Needed Traffic Engineering Services
\$50,000.00 – Bonar Group

Staff recommended that the Board of Public Works approve the Professional Services Agreement with the Bonar Group for ENG-05-007, As-needed Traffic Engineering Services in an amount not to exceed \$50,000.00. This contract would allow staff to request traffic signal design, inspection, traffic impact studies, intersection analysis and additional traffic engineering services. Upon a motion by Mr. Tew, seconded by Ms. Schalk, the Board voted 6-0 to approve the As-Needed Traffic Engineering Services.

- c. ENG-05-008; As-Needed Traffic Engineering Services
\$50,000.00 – Edwards & Kelcey, Inc

Staff recommended that the Board of Public Works approve the Professional Services Agreement with the Edwards & Kelcey, Inc ENG-05-008, As-needed Traffic Engineering Services in an amount not to exceed \$50,000.00. This contract would allow staff to request traffic signal design, inspection, traffic impact studies, intersection analysis and additional traffic engineering services. Upon a motion by Mr. Tew, seconded by Ms. Schalk, the Board voted 6-0 to approve the As-Needed Traffic Engineering Services.

- d. ENG-05-009; As-Needed Traffic Engineering Services
\$50,000.00 – URS Corporation

Staff recommended that the Board of Public Works approve the Professional Services Agreement with the URS Corporation ENG-05-009, As-needed Traffic Engineering Services in an amount not to exceed \$50,000.00. This contract would allow staff to request traffic signal design and inspection, traffic impact studies, intersection analysis and additional traffic engineering services. Upon a motion by Mr. Tew, seconded by Ms. Schalk, the Board voted 6-0 to approve the As-Needed Traffic Engineering Services.

8. ITEM # 8 PROFESSIONAL SERVICE AMENDMENT

ENG-03-008; On-Call Land Acquisition Services, Amendment No. 1
\$0.00 – Associated Right-of-Way Services, Inc

Staff recommended that the Board of Public Works approve Amendment No. 1 to the Professional Service Agreement approved by the Board of Public Works on August 13, 2003 with Associated Right-of-Way Services, Inc., for ENG-03-008, On-Call Land Acquisition Services extending the termination date of the contract to December 31, 2006. This contract amendment would extend the contract with Associated Right-of-Way Services, Inc., for on-call land acquisition services for an additional eighteen months. Associated provided title research, surveying and buying services under this agreement. Upon a motion by Mr. Finnell, seconded by Mr. Brown, the Board voted 6-0 to approve the On-Call Land Acquisition Services with Associated Right-of-Way Services, Inc.

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ITEM # 9 – FINAL ACCEPTANCE

BL-33-069; Greenrock/Southeastern Barrett Law Project
\$0.00 – Sweeney Construction

Staff recommended that the Board of Public Works approve and authorize the Director to accept this project in the final contract amount of \$191,230.50 for BL-33-069, Green Rock/Southeastern Barrett Law Sanitary Sewers with Sweeney Construction Corporation as final. This project was approved for SRF funding and consisted of the installation of approximately 1,100 linear feet of mainline sanitary sewers and 23 lateral extensions. Upon a motion by Mr. Tew, seconded by Mr. Brown, the Board voted 6-0 to approve the Greenrock/Southeastern Barrett Law Project.

The Chair diverted from the standard agenda to hear Item 11, Other Business.

ITEM # 11 OTHER BUSINESS

Angela Nussmeyer, Assistant Public Information Officer stated that the Department of Public Works and Metropolitan Development partnered in a booth at the Indiana Black Expo. Also, on Friday, July 15, Knozone hosted one out of four lunches on the circle with WIBC. Mr. Tew asked about the project on Kessler North of 38th Street, South of 46th Street. Ms. Smrchek replied it was a Barrett Law Project.

Recessed.

ITEM # 10 BARRETT LAW

**Public Hearing opened.*

Greenrock/Southeastern Barrett Law Sanitary Sewer Project – Final Public Hearing

Director, James Garrard stated that this was a final public hearing held by the Board of Public Works for Public Improvement Resolution No. BL-33-069 for the Greenrock/Southeastern sanitary sewer Barrett Law Project. He stated that the hearing would begin with Attorney, Robert Senseny for the Department of Public Works making comments. He stated that representatives were present from the Department's Barrett Law staff who may wish to make some additional comments. He stated that most of the information they would discuss would be in the handouts available in the back of the meeting room. After Legal and staff comments, the floor would be opened for comments from the public.

Mr. Garrard instructed, first come to the podium and state your name and address for the record. Second, limit your comments to no more than 5 minutes, so that everyone has a chance to speak. At the conclusion of the hearing, the Board will vote on whether to accept the project and confirm the final assessment amount.

Mr. Senseny, Attorney for the Department of Public Works stated that this was a final statutory public hearing on the final assessment roll for Public Improvement Resolution # BL-33-069, for the construction of sanitary sewers in the Greenrock/Southeastern Road area. He stated that the hearing would be held in accordance with the State Barrett Law statute, which was found at Indiana Code Title

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36, Article 9, Chapter 39. He stated that the hearing was being held after notice to all affected property owners to determine whether the lots and parcels in the area are specially benefited in the amounts assessed against them on the primary assessment roll. He also stated that the record for this hearing shall reflect publication of notice in the Indianapolis Star and Court and Commercial Record on July 1, 2005. Mr. Senseny stated that Marion County Health and Hospital did the project as a result of a survey of the area. He stated that the Board adopted the Public Improvement Resolution authorizing construction on October 22, 2003, and that the First Public Hearing was held before this Board on November 19, 2003.

Mr. Senseny stated that the construction of the sanitary sewers in the Greenrock/Southeastern Road area was complete, and that the final costs for the entire project was \$253,922.36. He stated that the number of lots to be assessed in the project area was 23, and the proposed final assessment per lot on the primary assessment roll was \$8,000, recalling the first public hearing on the project held November 19, 2003, which target assessment was between \$8,500 and \$9,500. He stated for this project, the Board was being asked to contribute City funds in the estimated amount of \$69,922.36 in order to achieve an assessment rate of \$8,000, and if the Board approves the primary assessment roll and accepts the project, homeowners in the area may begin to connect to the new sewer line immediately. He stated that homeowners would be required by ordinance to connect to the sewer line within six months and to abandon the septic system in a safe and sanitary manner. Please note, however, that this six-month period can be shortened by order of Marion County Health and Hospital if that Department determines that there is health hazard on any particular property. He further stated that sewer line was constructed for sanitary sewage only, and the connection of downspouts, footing drains, sump pumps or other sources of non-sanitary wastewater is prohibited, by City ordinance.

The Attorney stated with all public construction projects, projects are covered by a three-year maintenance bond, which meant for the first three years after acceptance of the project by the Board, the construction contractor will be responsible for any repairs required to be made to the sewer line, then after three years, the City will become responsible for routine maintenance of the sewer. He stated if the Board approves the primary assessment roll it would be forwarded to the Barrett Law assessment Bureau for processing. He stated that the Bureau was a part of the City's Office of Finance and Management, formerly known as the Controller's Office and the office that handles the actual Barrett Law assessment billings and payments. He stated that you would receive a notice from the Bureau advising you of the final assessment amount, and your options of paying the assessment may be paid in full within thirty days after acceptance of the project by the Board. Property owners may also pay in annual installments over a 10, 20 or 30 year period, or pay in monthly installments over 10, 20 or 30 year period. Property owners electing to pay in any of the aforementioned installments will be charged at an interest rate, which will be set by the Board after the hearing. The Office of Finance and Management recommended that the interest rate for this project be set at 4.13%. The Barrett Law Assessment Bureau would send out a form, which must be filled out and returned in order to choose the payment option. He stated if homeowners wish to pay in installments, the form must be returned within the time allowed or else the entire amount becomes due and payable. He stated that State law allows the Bureau to use certain collection methods for missed payments, which, in the worst case, may include the sale of the home to pay off the assessment. Therefore, it is important that homeowners understand and follow the procedures for the payment option chosen. If there is anything homeowners do not fully understand, please call the Barrett Law Assessment Bureau at 327-4872.

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Ms. Schalk asked about the average fair market property value. Ms. Warnick replied that staff takes the engineer's estimate divide it by the number of platted lots, then determines the target assessment. Mr. Finnell asked about the percent that the City contributed. Ms. Schalk replied that the Board sets a cap of 10% of the average fair market value of the properties.

The following homeowners expressed comments or an opinion:

Ms. M. Rednour, 2201 Green Rock Lane expressed her dissatisfaction and damage that staff made to her driveway. She stated that the front half of her driveway was fine, however the back half was chipped and crumbly, and by winter would be completely deteriorated. She stated that sunflowers were growing in her yard, something she never had, and hoped to see the problem corrected. Mr. Taylor asked had staff addressed the concerns of the homeowners. Ms. Rednour replied that staff came out and made some repairs, however the repairs were made incorrectly. Mr. Finnell asked had Ms. Rednour filed any type of formal complaint. Ms. Rednour replied no. Ms. Warnick replied that Ms. Rednour had an opportunity to notify staff concerning her concerns, however did not notify staff until the work was completed. Ms. Schalk asked about the three-year warranty fee. Ms. Warnick replied that the inspection fee would cover miscellaneous unforeseen repairs such as this. Ms. Rednour asked about the contact person regarding this project. Ms. Warnick replied she could contact Rick Brost or herself.

Mr. K. Bendler, 2210 Green Rock Lane expressed his concerns about the design fee and his well water. He stated that he has never had problems with his septic system before until the construction crew began in his neighborhood. He stated that while the construction crew was digging, he discovered sand in his drinking water and toilets. Ms. Warnick replied that Mr. Bendler's well was located by his home, and that the construction workers were not digging deep even to impact the well, also too, the workers were working on the opposite side of the street. Mr. Finnell asked about the construction impacting the water that feeds into the well, and asked how deep the well was. Mr. Bendler replied that his well was over 100 feet deep, and that he was not 100 percent certain that the digging had impacted the well, but he was certain about the sand appearing while the construction workers were digging. He further stated that he could not understand why the homeowners were being forced to pay for something they did not want. Ms. Warnick replied that when the Health Department did their survey, they interviewed fifteen property owners, and out of the fifteen, three homeowners were directly discharging raw sewage into the ditches. In addition, there were eight homeowners that complained about water quality, poor drainage, flooding, and other environmental impacts. She further stated that this was being done for the safety of the homeowners. Mr. Tew asked if it was possible, due to the movement of the dirt, that the well had some impact. Michael Gangstad, Sweeney Construction stated that all the soil in the area was impervious clay. He stated that there was very little sand, and that he did not see how the construction workers could have effected the well. Mr. Taylor asked about City water being hooked up in this neighborhood. Ms. Warnick replied that the request starts with a neighborhood petition.

Mr. Finnell asked whether or not staff had other alternative to help homeowners defray the expenses. Mr. Garrard replied that staff has re-examined different options of buying down assessments and other fees. He stated that septic conversion is a must, however the City simply does not have \$300 million available, however DPW would continue to ensure a healthy, safe, and natural environment. Ms.

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Schalk asked about the length of time it would take for the Project Manager to evaluate the concerns and complaints of the homeowners. Ms. Warnick replied within the next week. Mr. Tew stated that he had listened carefully to everyone's comments, and hoped the homeowners would be satisfied with what the City had done. He stated that he appreciated the comments from the homeowners with respect that they really did not want sanitary sewer, however, the City of Indianapolis, and the residents would be much better off with sanitary sewers. Upon a motion by Mr. Tew, seconded by Mr. Brown, the Board voted 6-0 to approve the Public Improvement Resolution BL-33-069, Green Rock/Southeastern Barrett Law Sanitary Sewer Project.

There being no further business the meeting of the Board of Public Works was adjourned at 2:32 p.m.

James A. Garrard, Chair

Kimberly A. Frye, Recording Secretary